

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JORGE CASANOVA

Plaintiff

v.

CIV 08-0288 BB/CG

ROBERT ULIBARRI, Warden,  
CENTRAL NEW MEXICO CORRECTIONS  
DEPARTMENT,  
JOSE ROMERO, Former Warden,  
RAY GARCIA, Correction Officer,

Defendants.

– AND –

JORGE CASANOVA,

Plaintiff,

v.

CIV 09-1121 BB/CG

CENTRAL NEW MEXICO CORRECTIONS  
DEPARTMENT, CNMCF Los Lunas Prison,  
JOSE ROMERO, Former Warden, and  
RAY GARCIA, Correction Officer,

Defendants.

**ORDER**

**THIS MATTER** comes before the Court on Plaintiff's *Motion to Reiterate Again No Objection to Recommended Disposition*, (Doc. 70), and Plaintiff's *Motion Asking the Court About Plaintiff's Right to go to the Court of Appeals*, (Doc. 79). Plaintiff's *Motion to Reiterate* requests that the District Court take action with regard to this Court's *Proposed Findings and Recommended Disposition*, (Doc. 68), filed September 1, 2011. (Doc. 70 at 1-5). Plaintiff's *Motion Asking About Plaintiff's Rights* requests that the Court enter judgment with regard to cause number Civ. 08-288 so that he might pursue an appeal to the Tenth Circuit Court of Appeals. (Doc. 79 at 1-5). The Court, having considered the motions, the relevant

law, and otherwise being fully advised in the premises, will **DENY** the motions.

With regard to Plaintiff's *Motion to Reiterate Again No Objection*, the Court notes that United States District Judge Bruce Black has adopted the Court's *Proposed Findings and Recommended Disposition*. (Doc. 76). He found that, based on the submissions contained in Defendant's last *Martinez Report*, (Doc. 65), Defendant Ulibarri was not entitled to summary judgment. (Doc. 76 at 1-3). The Court will therefore **DENY** Plaintiff's *Motion to Reiterate* as moot.

With regard to Plaintiff's *Motion Asking the Court About Plaintiff's Right to go to the Court of Appeals*, the Court finds Plaintiff's request for leave to file an appeal is premature. While all claims against Defendants Romero and Garcia have been resolved and are currently on appeal to the Tenth Circuit, several of Plaintiff's claims against Defendant Ulibarri have not yet been fully adjudicated. Entry of final judgment with regard to Defendant Ulibarri is not yet appropriate.

**IT IS THEREFORE ORDERED** that Plaintiff's *Motion to Reiterate Again No Objection to Recommended Disposition*, (Doc. 70), be **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that Plaintiff's *Motion Asking the Court About Plaintiff's Right to go to the Court of Appeals*, (Doc. 79), be **DENIED**.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

---

THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE